

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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SERVIPRONGO DE EL SALVADOR, S.A.,

Plaintiff,

v.

MCDONALD'S CORPORATION,

Defendant.  
-----X

11 Civ. 4519 (KPF)

OPINION AND ORDER

KATHERINE POLK FAILLA, District Judge:

On November 6, 2017, the Court issued an Order denying Plaintiff's motion to lift the stay in this case or to refer the case to mediation. (Dkt. #132). On November 20, 2017, Plaintiff moved for reconsideration. (Dkt. #133). After carefully reviewing the parties' relevant submissions (Dkt. #134-140, 143), the Court is unpersuaded that it overlooked any controlling legal authority or facts that would alter its decision. The Court therefore denies Plaintiff's motion for reconsideration.

In this Circuit, motions for reconsideration are governed by a strict standard: They are to be denied "unless the moving party can point to controlling decisions or data that the court overlooked — matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). Plaintiff has failed to identify any legal or factual issues overlooked by the Court that would alter the Court's conclusion. Plaintiff asserts that the Court

overlooked the “fact” that Judge Beltran Lopez has not withdrawn from the proceedings in El Salvador and that the Second Civil Chamber in El Salvador did not uphold a lower court’s decision on the merits. Yet, even if true, those facts would not alter this Court’s decision to deny Plaintiff’s request to lift the stay. Plaintiff similarly has not identified any controlling legal authority or intervening change of law that the Court overlooked.

Nothing in Plaintiff’s submissions suggests to the Court that it must reconsider its decision to maintain the stay in this case. Accordingly, the Court denies Plaintiff’s motion for reconsideration. The Clerk of Court is directed to terminate the motion pending at Docket Entry #133.

SO ORDERED.

Dated: January 5, 2018  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge